

AMENDED IN SENATE APRIL 22, 2009

AMENDED IN SENATE APRIL 2, 2009

**SENATE BILL**

**No. 557**

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**Introduced by Senator Yee**

February 27, 2009

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An act to add Section 236.3 to the Penal Code, relating to human trafficking.

LEGISLATIVE COUNSEL'S DIGEST

SB 557, as amended, Yee. Human trafficking: property: seizure.

Existing law defines human trafficking as the deprivation or violation of the personal liberty of another person with the intent to commit certain specified sex offenses with the person or to obtain forced labor or services, as specified.

This bill would authorize the court to forfeit any personal property of a person convicted of human trafficking that was used by the person in the course of committing the crime, as specified. This bill would also ~~specify the distribution of the property, or the proceeds of the sale of that property, if any, as specified.~~ *authorize real property used to facilitate the violation to be declared and treated as a nuisance, as specified.*

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 236.3 is added to the Penal Code, to read:
- 2 236.3. ~~(a)~~—Upon conviction of a violation of Section 236.1,
- 3 the court may order any personal property of the defendant used

1 ~~in the course of committing to facilitate~~ the violation forfeited,  
2 pursuant to the procedures in subdivisions (b), (c), (d), ~~and (f)~~ (f),  
3 (g), ~~and (h)~~ of Section 502.01. If real property is used, the  
4 procedures for declaring the property to be a nuisance in Article  
5 2 (commencing with Section 11225) of Chapter 3 of Title 1 of Part  
6 4 shall apply.

7 ~~(b) If the defendant is found to have the only valid interest in~~  
8 ~~the property subject to forfeiture, it shall be distributed as follows:~~

9 ~~(1) Fifty percent to the investigating, arresting, and prosecuting~~  
10 ~~agencies.~~

11 ~~(2) Fifty percent to nonprofit organizations that serve victims~~  
12 ~~of human trafficking.~~

13 ~~(c) If the property is to be sold, the court may designate the~~  
14 ~~prosecuting agency or any other agency to sell the property at~~  
15 ~~auction. The proceeds of the sale shall be distributed by the court~~  
16 ~~as follows:~~

17 ~~(1) To each bona fide or innocent purchaser or encumbrancer,~~  
18 ~~or conditional sales vendor of the property up to the amount of his~~  
19 ~~or her interest in the property, if the court orders a distribution to~~  
20 ~~that person.~~

21 ~~(2) The balance, if any, shall be distributed by the court, as~~  
22 ~~specified in paragraphs (1) and (2) of subdivision (b).~~